

Attorney or Party Name, Address, Telephone & FAX Numbers, and California State Bar Number Jason M. Rund Chapter 7 Trustee 840 Apollo Street, Suite 351 El Segundo, CA 90245 Email: trustee@srlawyers.com 310-640-1200 310-640-0200	FOR COURT USE ONLY
UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA	
In re: Michael I. Wagenstein and Patricia M. Wagenstein, Debtor(s).	CASE NO.: 6:09-25839 RN

NOTICE OF SALE OF ESTATE PROPERTY

Sale Date: Last day to submit overbids: 03-22-10	Time:
Location: See attachment 1 for sale overbid procedures	

Type of Sale: ☒ Public ☐ Private Last date to file objections:
March 22, 2010

Description of Property to be Sold: Bankruptcy estate's right, title and interest, if any, in
real property located at 26746 Baseline Street, City of Highland, California.
Estate's interest is described as a tenancy in common as to an undivided 25%
interest.

Terms and Conditions of Sale: The sale will be on an "as is" and "where is" basis without
representations, warranties or recourse, subject to Bankruptcy Court approval and
overbid. See Attachment 1.

Proposed Sale Price: See Attachment 1

Overbid Procedure (If Any): See Attachment 1

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Contact Person for Potential Bidders (include name, address, telephone, fax and/or e:mail address):

Jason M. Rund, Chapter 7 Trustee
840 Apollo Street, Suite 351
El Segundo, CA 90245
Telephone: 310-640-1200
Email: trustee@srlawyers.com

Date: March 8, 2010

Notice of Sale of Estate Property

January 2009

F 6004-2

F60042

ATTACHMENT 1

The Trustee has received an offer from John H. Rago to purchase the estate's 25% tenancy in common interest in real property located at 26746 Baseline Street, City of Highland, California and more full described as: Lot 1 of Tract 3978, in the City of Highland, County of San Bernardino, State of California, as per map recorded in Book 50 of Maps, Pages(s) 80 and 81, in the Office of the County Recorder of said County (hereafter referred to as the "26746 Baseline Street Partial Interest") for a sale price of \$35,000. In order for any party to participate in the overbid procedure regarding the 26746 Baseline Street Partial Interest, the Trustee requests that the parties comply with the following provisions:

- a. Each party participating in the overbid process (not including John H. Rago) must deliver to the Trustee a cashier's check in the amount of \$35,000, payable to Jason M. Rund, Trustee. If the bidder is successful, the \$35,000 shall be a deposit on the purchase, but will be forfeited if the bidder does not timely close the sale. If the bidder is not successful, the \$35,000 will be returned to the bidder.
- b. Subject to court approval, the Trustee is recommending that minimum initial overbid amount shall be \$500.00.
- c. All overbids must be on the same terms and conditions as the offer accepted from Buyer, other than price.
- d. If any overbids are received, the Trustee will conduct an auction via telephone conference call with the original buyer and all overbidders. Thereafter, the Trustee will file a declaration summarizing the results of the sale and a proposed order approving the sale. If no overbids are received, the Trustee will file a Declaration Re: No Opposition and lodge a proposed order.

ANY INTERESTED OVERBIDDER IS ADVISED TO CONDUCT THEIR OWN INDEPENDENT INVESTIGATION INTO THE 26746 BASELINE STREET PARTIAL INTEREST, THE CONDITION OF THE 26746 BASELINE STREET PARTIAL INTEREST, ANY AND ALL ENCUMBRANCES, AND ANY AND ALL TRANSFER FEES AND EXPENSES ASSOCIATED WITH THE SALE AND TRANSFER THEREOF. ALL RECORDING FEES, TRANSFER TAXES, AND OTHER EXPENSES ASSOCIATED WITH THE SALE AND TRANSFER OF THE 26746 BASELINE STREET PARTIAL INTEREST SHALL BE SOLELY THE RESPONSIBILITY OF THE BUYER. ALL SALES ARE ON AN AS-IS, WHERE-IS BASIS, WITHOUT WARRANTIES, REPRESENTATIONS OR RECOURSE.

IN THE EVENT THAT ANY BUYER FAILS TO PERFORM, THE DEPOSIT MADE WILL BE FORFEITED. ALL SALES ARE ON AN AS-IS, WHERE-IS BASIS, WITHOUT REPRESENTATIONS, WARRANTIES OR RECOURSE.

In re
MICHAEL I WAGENSTEIN
PATRICIA M WAGENSTEIN

Debtor(s).

CHAPTER 7

CASE NO.: 6:09-25839-RN

NOTE: When using this form to indicate service of a proposed order, **DO NOT** list any person or entity in Category I. Proposed orders do not generate an NEF because only orders that have been entered are placed on the CM/ECF docket.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

840 Apollo Street, Suite 351, El Segundo, CA 90245

The foregoing document described **Notice of Sale of Estate Property** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner indicated below:

I. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING ("NEF") - Pursuant to controlling General Order(s) and Local Bankruptcy Rule(s) ("LBR"), the foregoing document will be served by the court via NEF and hyperlink to the document. On March 8, 2010 I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following person(s) are on the Electronic Mail Notice List to receive NEF transmission at email address(es) indicated below:

United States Trustee (RS), ustprecion16.rs.ecf@usdoj.gov

☐ Service information continued on attached page

II. SERVED BY U.S. MAIL:

On March 8, 2010 I served the following person(s) and/or entity(ies) at the last known address(es) in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and/or with an overnight mail service addressed as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

Debtor

Michael I Wagenstein and Patricia M Wagenstein
PO Box 2538
Running Springs, CA 92382

Chambers Copy

Chambers of the Honorable Richard M. Neiter
United States Bankruptcy Judge
United States Bankruptcy Court
Central District of California
255 E. Temple Street, Suite 1652
Los Angeles, CA 90012

Counsel for Debtor

Dale Parham
4371 Latham St, Suite 105
Riverside, Ca 92501

☐ Service information continued on attached page

III. SERVED BY PERSONAL DELIVERY:

Pursuant to F.R.Civ.P.5 and/or controlling LBR, on _____ I served the following person(s) and/or entity(ies) by personal delivery, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. *Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.*

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

March 8, 2010

Date

Laura Gitnick

Type Name

/s/ Laura Gitnick

Signature